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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,377	05/25/2001	Geoffrey Shively	SHVLY-013A	3726
7663	7590	11/24/2004	EXAMINER	
STETINA BRUNDA GARRED & BRUCKER 75 ENTERPRISE, SUITE 250 ALISO VIEJO, CA 92656			ADAMS, JONATHAN R	
		ART UNIT	PAPER NUMBER	
		2134		

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/865,377	SHIVELY, GEOFFREY	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jonathan R Adams	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 May 2001.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-9, 11-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Shanklin et al., US Patent No 6578147 (hereafter referred to as '147) in view of "Network Based Intrusion Detection" (hereafter referred to as NBID).

As to claim(s) 1, 7, 9:

3. '147 teaches a network intrusion detection system using hardware signal detecting components comprising:

- Receiving data from Internet and forwarding to a router and network operations center / local network could have an Internet routing gateway before IDS manager station (Col 3, Line 53, '147) (Fig 3, '147)
- Device is invisible to devices on Internet / IDS sensors are transparent to network performance (Col 4, Line 45, '147)
- Line-in port / Line-out port / Connections to IDS sensor (Fig 3, Element 31, '147)
- Direct administration line providing direct link to network operations center

4. '147 does not specifically teach for a case to enclose the hardware circuitry.

NBID teaches an IDS management system using IDS sensors enclosed in standard PC

tower cases (Page 6, NBID). It would have been obvious to a person of ordinary skill in the art at the time of invention to enclose the hardware in '147 in standard PC tower cases as in NBID. One of ordinary skill in the art would have been motivated to enclose the hardware in '147 in standard PC tower cases as in NBID because '147 has exemplified the use of NETRANGER, which is a sensor used in NBID (Col 3, Line 67, '147)

5. As to claim(s) 2:

S-link on the external surface for connecting to another network security device / IDS sensor connections (Fig 3, '147)

As to claim(s) 3, 8:

6. '147 as modified above teaches a network IDS system using multiple IDS sensors enclosed in standard PC tower cases. '147 as modified above does not specifically teach for the PC case to include an indicator for providing status of network security device. The examiner takes official notice as to using an indicator light on PC tower case. It would have been obvious to a person of ordinary skill in the art at the time of invention to use an indicator light on the PC tower case to provide status of the network security device. One of ordinary skill in the art would have been motivated to use an indicator light on the PC tower case to provide status of the network security device because it is very common that PC tower cases include several status indicator lights, examples include power, hard drive access, CD-ROM access etc.

7. As to claim(s) 5, 11:

Internet connection line transfers data from a managed service provider / IDS manager station (Fig 1, Element 10c, '147)

8. As to claim(s) 6, 12:

Internet connection line transfers data from data center host / server (Fig 1, Element 10b, '147)

9. Claims 4 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over '147 in view of "Destek Collocation Services".

As to claim(s) 4, 10:

10. '147 as modified above teaches a network IDS system using multiple IDS sensors enclosed in standard PC tower cases. '147 as modified above does not teach for the server and IDS system to part of a collocation hosting service. Destek teaches a secure collocation hosting service using intrusion detection monitoring (Page 1, Line 7, Destek). It would have been obvious to a person of ordinary skill in the art at the time of invention to use the intrusion detection invention of '147 at a collation facility as done in Destek. One of ordinary skill in the art would have been motivated to use the intrusion detection invention of '147 at a collation facility as done in Destek because it would provide a greater level of security to the collocation hosting system.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan R Adams whose telephone number is (571)272-3832. The examiner can normally be reached on Monday – Friday from 10am to 6pm.
12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is (571)272-3838. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



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